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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/662,689	09/15/2003	Thomas T. Hardt	200302618-3	9782

7590 06/21/2005

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EXAMINER

MARSH, STEVEN M

ART UNIT

PAPER NUMBER

3632

DATE MAILED: 06/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/662,689	HARDT ET AL.	
	Examiner Steven M. Marsh	Art Unit 3632	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 18 March 2005.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-33 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date: _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date: _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This is the third office action for U.S. Application 10/662,689 for a Cable Management System and Method of Installation and Operation Thereof filed by Thomas Hardt et al. on September 15, 2003.

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on March 18, 2005 has been entered.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 29-32 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicant claims that the support member comprises an "expandable" support assembly. However, the term is not used in the specification and it is not clear how the reel and wire are an expandable assembly. The claim is being examined to the best extent possible.

Claim Rejections - 35 USC § 102

Claims 11-26 are rejected under 35 U.S.C. 102(b) as being anticipated by Braden et al. Braden et al. discloses a flexible cable harness (H) and a first support member (222) securable to the cable harness. There is a second support member (186) securable to the cable harness and the harness is suspended between the first and second support members (only a portion of the harness is between the members, but the same is true of Applicant's harness). The first support member is wire and there is a spring-loaded first reel (224) that the first wire is wound onto. The first reel is adapted to retract the first support member on the reel and there is a biased second reel (180) that performs the same function with the second support member. The first support member is secured to the first harness at a first location (220) along the harness and the second support member is secured at a second location (at 122). The harness is adapted to be secured to a chassis or electronic device and can also be secured to at least one cable. The harness has connectors (200 and 230) operable to suspend a third and fourth portion of the cable, respectively. Claims 4-7 and 12-15 contain limitations to the structure of the electrical cable, the rack, and the electronic device. However, the structure of those objects is not positively recited in the claims and therefore the limitations have been given no patentable significance.

The cable management system is secured by the following steps: the harness is secured to a cable; first (222) and second flexible members (186) are coupled to the harness (at 220 and 122); the first and second flexible members are coupled by connecting first and second wires from first and second reels, to first and second

portions of the harness, respectively; and the harness is secured to a support housing (B) for an electronic device (and thus secured to the device).

Claim Rejections - 35 USC § 103

Claims 1-10 and 27-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Braden et al. in view of U.S. Patent 5,467,679 to Schmidt. Braden et al. does not disclose a harness with a flexible spine and straps secured to the spine. Braden et al. also fails to disclose a cable harness that is not adapted to conduct electricity to an electronic device. Schmidt discloses a strap (42) that is adapted to be wrapped around cables as a cable harness, as is common in the electrical trade (see col. 2, lines 13-19). The strap is locked in place by hook and loop fasteners (44... a self securing material). It would have been obvious to one of ordinary skill in the art at the time of the present invention to have provided straps for the cable harness taught by Braden et al., as taught by Schmidt, for the purpose of securing cables in the harness. The harness disclosed by Braden et al. is flexible, and therefore the resultant structure would comprise straps secured to a flexible "spine". The first and second support members would also be securable over the harness in the event that multiple harnesses were used.

Response to Arguments

Applicant's arguments with respect to claims 1-10 have been considered but are moot in view of the new ground(s) of rejection. Applicant's arguments filed March 18,

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2005 with respect to claims 11-28 have been fully considered but they are not persuasive. Applicant argues that because the first and second support members taught by Braden exert a downward force on the cable harness, they cannot support the rows. However, it is noted that Applicant only claims a means for performing the function of supporting the cables. The support members taught by Braden are capable of performing that function. The harness and flexible member are not positively recited in the claim. Furthermore, the support members appear to be supporting the cable harness on the side facing someone viewing the figure.

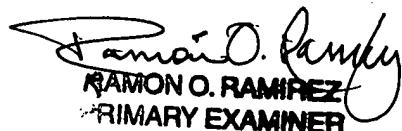
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven Marsh whose telephone number is (571) 272-6819. The examiner can normally be reached on Monday-Friday from 8:00AM to 4:30 PM. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-3600. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

S.M.

Steven M. Marsh

June 15, 2005


RAMON O. RAMIREZ
PRIMARY EXAMINER